



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shinsuke ITO et al.

ATTENTION: GROUP DIRECTOR
Technology Center 2800

Group Art Unit: 2851

Application No.: 10/000,309

Examiner: M. Cruz

Filed: December 4, 2001

Docket No.: 111055

For: A PROJECTOR HAVING A COOLING PASSAGE THAT COOLS THE LIGHT
SOURCE AND OUTER CASE (AS AMENDED)

**PETITION TO RESET A PERIOD FOR REPLY
DUE TO NON-RECEIPT OF OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Group Director of Technology Center 2800

Sir:

It is respectfully requested that the statutory period for replying to the
January 15, 2004 Office Action be reset. The Final Office Action was not received by the
Applicants' representative. A search of the file jacket and docket records indicates that the
Final Office Action was not received.

Attached to this communication is a copy of the docket records for the Law Firm of
Oliff & Berridge, PLC listing all the responses in our office with a due date of July 15, 2004.
Had the January 15, 2004 Final Office Action been received, it would have been entered into
the docketing records, showing a date stamp of January 15, 2004 and a due date of
July 15, 2004. The attached docket record for July 15, 2004 does not identify this case by our
Attorney Docket No. 111055.

In addition, attached is the manual docket sheet maintained on the file jacket for the undersigned and file for this application. Had the January 15 2004 Office Action been received, it would have been written after the October 6, 2003 Amendment and before the March 8, 2004 Status Inquiry Letter. The file jacket does not indicate receipt of the January 15, 2004 Office Action.

Furthermore, it appears that the Office Action was mailed on January 15, 2004, but returned to the Technology Center on January 21, 2004. The first page of the Office Action includes a stamp indicating that it was received at the Technology Center 2800 on January 21, 2004. Attached to this communication is a copy of the front page of the Final Office Action, downloaded by Applicants' representative from PAIR.

It is also noted that a Status Inquiry Letter was forwarded to the Patent and Trademark Office on March 8, 2004 and a second Status Inquiry Letter on May 10, 2004. A reply to the Status Inquiry letters was never received.


In view of the foregoing, it is respectfully submitted that 1) the January 15, 2004 Final Office Action was not received by Oliff & Berridge, PLC; 2) a search of the file jacket and docket records indicates that the Final Office Action was not received and 3) the attached docket records show where the non-received Final Office Action would have been entered had it been received and docketed and demonstrate that the Final Office under Attorney Docket No. 111055 dated January 15, 2004 was not received nor docketed on January 15, 2004.

Concurrently with this Petition is a Notice of Appeal to prevent the application from becoming abandoned. As this Petition does not result from any error on the part of the undersigned, it is respectfully submitted that no Petition Fee or Appeal Fee is due. However, please debit Deposit Account No. 15-0461 as needed to ensure consideration of this Petition and Notice of Appeal.

Please telephone the undersigned if any questions arise in connection with this matter. Furthermore, Applicants respectfully request that any fees charged for filing a Notice of Appeal be credited to Deposit Account No. 15-0461.

Accordingly, in accordance with MPEP §710.06, it is respectfully requested that the period for reply be restarted and that the non-received Final Office Action be re-mailed to the Attorneys of record.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Kevin M. McKinley
Registration No. 47,260

JAO:KMM/can

Attachments:

Copy of Office Action
Notice of Appeal and Petition for
Extension of Time
Docket Records for July 15, 2004
File Jacket
Copy of Image File Wrapper

Date: July 15, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,309	12/04/2001	Shinsuke Ito	111055	8902

25944 7590 01/15/2004

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

CRUZ, MAGDA

ART UNIT PAPER NUMBER

2851

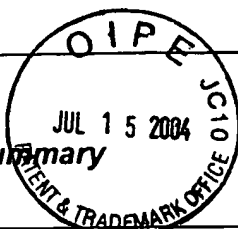
DATE MAILED: 01/15/2004



Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
JAN 21 2004
TECHNOLOGY CENTER 2800

Office Action Summary



Applicati n No.

10/000,309

Applicant(s)

ITO ET AL.

Examin r

Magda Cruz

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hara et al.

Hara et al. (US Patent Number 6,398,366 B1) discloses a projector (1), comprising a light source device (6), luminous flux (L1) emitted from the light source device (6) being magnified and projected so as to form a projected image after being modulated (column 15, lines 31-35); an outer case (41) that accommodates the light source device (6), a cooling passage (47, 48, 49) that cools the outer case and the light source device (6) formed in a vicinity of the light source device in the outer case (41), the cooling passage (47, 48, 49) being formed by cooling air being blown out of a cooling duct arranged inside the outer case (column 12, lines 5-11), a cooling air inlet hole (47) of the cooling duct being capable of taking cooling air from the exterior (column 9, lines 45-50) of the outer case (41), and a discharge hole of the cooling duct having an opening formed to directly blow the cooling air on an internal side face of the outer case (column 9, lines 50-57); a restrictor (55) formed in an upstream side of the opening of the cooling duct (47). The cooling air inlet hole of the cooling duct (48) is

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divided into two directions by a first passage (i.e. air flow inside the light source; Figure 6) and a second passage (i.e. outside the outer case that includes the light source; Figure 6), the first passage cooling an inside of a light source lamp of the light source device (column 12, lines 12-17), while the second passage being capable of cooling an outer peripheral portion of the light source lamp and the internal side face of the outer case (column 12, lines 17-22), including a centrifugal fan (32) which is connected to the cooling duct in the side of the cooling air inlet hole (column 8, lines 4-11). The centrifugal fan (32) is a sirocco fan disposed on an internal side face of the outer case (column 7, lines 20-23), and further including an exhaust fan (25) arranged on a side face perpendicular to the internal side face of the outer case that exhausts cooling air that has been received from the sirocco fan and the cooling duct and that has cooled the outer case (column 7, lines 17-20).

Response to Arguments

3. Applicant's arguments filed 10/06/2003 have been fully considered but they are not persuasive.
4. The applicant has argued that the prior art does not teach "a cooling passage that cools the outer case and the light source device formed in a vicinity of the light source device in the outer case". However, Hara et al. (US Patent Number 6,398,366 B1) teaches such cooling passage (47, 48, 49) that cools the outer case and the light source device (6) formed in a vicinity of the light source device in the outer case (41).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujimori et al. (US Patent Number 6,364,492 B1) discloses a projector wherein the inside of the power source unit can be independently and efficiently cooled.

Fujimori et al. (US Patent Number 6,637,895 B2) teaches a projector having a suction opening arranged in the vicinity of an air inlet in the external case.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

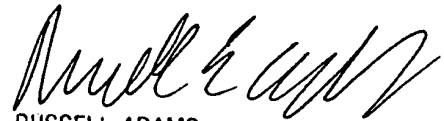
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (703)308-

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6367. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703)308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

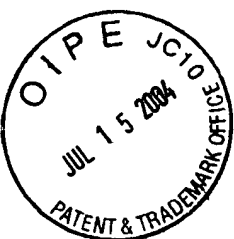
Magda Cruz
Patent Examiner
January 9, 2004

OLIFF & BERRIDGE U.S. PATENT AND TRADEMARK DOCKET

DATE: JULY 15, 2004 (Wednesday)

PAGE 1 OF 2






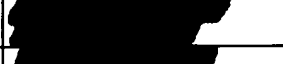

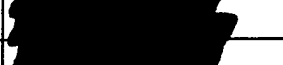

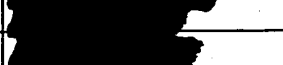
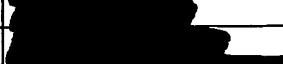
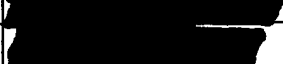


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OLIFF & BERRIDGE U.S. PATENT AND TRADEMARK DOCKET

DATE: JULY 15, 2004 (Wednesday)

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		1 MTH REJ DUE	113793
		RESTRICTION/ELECTION DUE	115782
		(FLD 7/9/2004) RESTRICTION/ELECTION DUE	445682
		RESPONSE TO OA 3X DUE	111995
		MISSING PARTS DUE	113991
		REJ 1X DUE	114294
		RESPONSE TO OA 3X DUE	103903
		RESPONSE TO OA 1X DUE	114554
		NOTICE OF APPEAL 3X DUE	109823
		NOTICE OA APPEAL 1X DUE	111668
		NOTICE OF APPEAL 3X DUE	106389
		1 MTH REJ DUE	112422
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PROVISIONAL APPLICATION
FILED _____
SERIAL NO. _____
PRIORITY DUE DATE _____

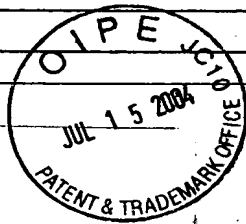
- Extra Paper File -
OLIFF & BERRIDGE, P.L.C.
277 SOUTH WASHINGTON STREET, SUITE 500
ALEXANDRIA, VIRGINIA 22314

☒ CIP of ☐ Continuation of ☐ Divisional of ☐ National Stage of PCT.

Serial No. _____
Filed _____

MAIL ENTRY ☐ Declaration Filed _____

Epson Corporation



FOO6500US00
CLIENT REF NO.

Shinsuke ITO + Takeshi TAKIZAWA
INVENTOR

10/000,309
PPIN. SERIAL NO.

December 4, 2001
FILING DATE

PROJECTOR
INVENTION TITLE

SIGNEE: Seiko Epson Corporation

Description of
Paper

Date of
Paper

Due Date
(If Any)

App. Trans. IDS	12-4-01	
NTFMP	12-20-01	2-20-02
PACH, NTFMPWD, DEC, ASSIGN, CFP, IDS	02-08-02	
Status Inquiry Letter	6-4-03	
REJECTION	07-14-03	10-14-03
Amendment	10-06-03	
Status Inquiry	03-08-04	
2nd Status Inquiry	05-10-04	

COMPUTER NO.

	Due	Paid	Amount
1.			\$
2.			\$
3.			\$

140

PARTNER

~~EDM~~ KMM
WORKING ATTORNEY

2614
GROUP ART UNIT

Madga Cruz
EXAMINER

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EXAMINER PHONE NO.

Seiko Epson Corporation

10/000,309
APP. SER. NO.

INVENTOR